

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

August 19, 2010

Oswald Inglese, Jr., Director  
Water Permitting & Enforcement Division  
Bureau of Materials Management & Compliance Assurance  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Re: PA 10-158/Subsurface Discharge Permit Programs

Dear Mr. Inglese:

I attended the July 21, 2010 presentation on your agency's Subsurface Discharge Permit Programs that regulate discharges to groundwater from on-site wastewater disposal systems. The presentation announcement provided a background statement that indicated the Department of Environmental Protection (DEP), pursuant to Public Act 10-158, is conducting an analysis of its 25 regulatory permit programs, one of which is the subject program. The announcement also noted that DEP is required to prepare and submit a comprehensive report to the Governor and the General Assembly by September 30, 2010 on DEP's permit programs. I shared some verbal comments at the presentation, and the purpose of this letter is to provide follow-up written comments.

The July 2010 presentation included an overview of the regulatory jurisdictions (DEP, DPH/Local Directors of Health) for on-site wastewater disposal via septic systems, alternative treatment (AT) systems, and community sewerage systems. The presentation also cited recent legislation that would allow jurisdiction of small AT systems to be transferred from DEP to the Department of Public Health (DPH), however budget constraints have not allowed this to happen. As such, jurisdiction of all AT systems remains with DEP. The presentation also mentioned the Decentralized Wastewater Management District (DWMD) legislation that was enacted in 2003, and it noted that the creation of such districts could dramatically increase the number of small AT systems in the state.

DPH supports the development of a comprehensive, statewide regulatory program for AT systems, especially if additional DWMDs are to be created. To date, only the Town of Old Saybrook has established such a district, and DEP is currently in the process of delegating AT permitting authority to the town, and the town is developing their own standards for these systems. Potentially several other towns could create similar districts, and the standards for AT systems could vary from one town to another. An AT program developed at the state level should include the development of regulations and standards for these systems, and would address other management components such as installer licensure, and inspector training. The regulations should include minimal site suitability requirements for new construction that take into account the natural carrying capacity of the land, and address wastewater intensification and construction activities that impact on-site wastewater disposal.

The recent presentation made mention of the 2009 Kaizen Event for the project named *Evaluate the Review and Approval Process Used for On-Site Wastewater Disposal System Repairs and Upgrades*, which DPH staff participated in. The Kaizen event and ongoing Lean Project has resulted in a draft *General Permit to Discharge from Subsurface Sewage Disposal Systems Serving Existing Facilities*. The draft permit would be applicable to existing DEP jurisdiction sites utilizing septic systems, and DPH is submitting comments

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to DEP on the draft permit under a separate review letter. DPH supports DEP's efforts to implement a streamlined process to allow for the timely repair of septic systems on DEP jurisdiction sites, and to improve the oversight of such systems.

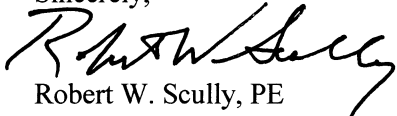
In addition to the development of the above noted General Permit, the presentation included a list of "Steps to be Taken" that include the development of fact sheets for regulatory officials, and property owners and homeowners for sites utilizing DEP jurisdiction septic systems. DPH supports the development of such guidance to improve communication between parties, and DPH has offered our assistance in information dissemination and material review. Future actions also include the reevaluation of the 450-page design guidelines entitled *Guidance and Standards for Large-Scale On-site Wastewater Renovation Systems*. DPH supports such a review, and also strongly encourages DEP to promulgate regulations that include the essential design standards for on-site wastewater disposal systems under DEP jurisdiction. DPH provided comments, under a memorandum dated September 11, 2006, on your agency's draft Design Standards for Large Systems. I have attached a copy of the comments, and I recommend DEP take them under consideration as your agency moves forward in finalizing the design standards. It is noted that some of the concerns and items cited in the comments are being addressed with the draft General Permit.

DPH requests DEP's assistance in reviewing revisions that have been made to CGS Section 22a-430 since the time CGS Section 22a-430(g) was enacted in order to determine if these subsequent revisions impact septic system permits issued by DPH and Local Directors of Health. DPH is currently working on revisions to Public Health Code (PHC) Section 19-13-B103 that governs subsurface sewage disposal systems, and we plan on including additional language about renewal of septic system discharge permits. It would be mutually beneficial to review subsequent revisions to CGS Section 22a-430 in order to ensure there are no conflicts with PHC regulations, or conflicts with local ordinances adopted for DWMDs and local decentralized sewage system management programs.

DPH also encourages your agency to review recent DEP avoidance development practices in order to determine if regulation revisions are warranted to ensure large developments are properly permitted. As you know, several large developments with cumulative design flows from 15,000 GPD to 50,000 GPD have been broken up into numerous smaller lots, which are placed in separate ownership, to avoid DEP permitting. Massachusetts has adopted regulations to address this development tactic. DPH also recommends DEP take necessary steps through your agency's Underground Injection Control (UIC) program in order to enforce the federally mandated Large Capacity Cesspool Ban. DPH is available to further work with DEP on this ban, or on any other proactive decentralized sewage system management initiative that is a benefit to the protection of public health and the environment.

Thank you for providing DPH an opportunity to comment on your agency's Subsurface Discharge Permit Programs. Please contact me at (860) 509-7296 if you would like to discuss any of my comments.

Sincerely,



Robert W. Scully, PE  
Supervising Sanitary Engineer  
Environmental Engineering Program

C: Suzanne Blancaflor, MS, MPH, Chief, Environmental Health Section, DPH  
Ellen Blaschinski, RS, MBA, Chief, Regulatory Services Branch, DPH  
Code Advisory Committee